

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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STICHTING PENSIOENFONDS ABP,

Plaintiff,

v.

MERCK & CO., INC., et al.,

Defendants.

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Civil Action No. 05-5060 (SRC)

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NORGES BANK,

Plaintiff,

v.

MERCK & CO., INC., et al.,

Defendants.

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Civil Action No. 07-4021 (SRC)

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DEKA INVESTMENT GmbH, et al.,

Plaintiffs,

v.

MERCK & CO., INC., et al.,

Defendants.

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Civil Action No. 07-4022 (SRC)

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UNION ASSET MANAGEMENT  
HOLDING AG, et al.,

Plaintiffs,

v.

MERCK & CO., INC., et al.,

Defendants.

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Civil Action No. 07-4023 (SRC)

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AFA LIVFORSAKRINGSAKTIEBOLAG,  
et al.,

Plaintiffs,

v.

MERCK & CO., INC., et al.,

Defendants.

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Civil Action No. 07-4024 (SRC)

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ALLIANZ GLOBAL INVESTORS  
KAPITALANLAGEGESELLSCHAFT  
MbH, et al.,

Plaintiffs,

v.

MERCK & CO., INC., et al.,

Defendants.

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Civil Action No. 07-4451 (SRC)

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DWS INVESTMENT GmbH, et al.,	:	
	:	
Plaintiffs,	:	
	:	<b>Civil Action No. 07-4546 (SRC)</b>
v.	:	
	:	
MERCK & CO., INC., et al.,	:	
	:	
Defendants.	:	
	:	

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KBC ASSET MANAGEMENT NV, et al.,	:	
	:	
Plaintiffs,	:	
	:	<b>Civil Action No. 11-6259 (SRC)</b>
v.	:	
	:	
MERCK & CO., INC., et al.,	:	
	:	
Defendants.	:	
	:	

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### ORDER TO SHOW CAUSE

The above-captioned matters each constituting securities fraud actions relating to Defendant Merck & Co., Inc.’s conduct with respect to the product known as Vioxx and therefore each proceeding as part of MDL 1658; and

**IT APPEARING** that the above-captioned matters were filed in this Court on various dates subsequent to the entry of Pretrial Order No. 1 in MDL 1658 on May 6, 2005 (“Pretrial Order No. 1”); and it further

**APPEARING** that Pretrial Order No. 1 provides that it “shall also apply automatically to

any action subsequently filed in, removed, or transferred to this Court relating to the subject matter of the actions in MDL 1658;” and it further

**APPEARING** that Pretrial Order No. 1 further provides that “all actions identified as ‘Securities Actions’ on Schedule A, as well as any related securities action subsequently identified, filed in, removed or transferred to this Court (collectively the ‘Consolidated Securities Action’) are hereby consolidated for all purposes;” and it further

**APPEARING** that Plaintiffs in the above-captioned matters nevertheless take the position that their individually-filed actions are not subject to Pretrial Order No. 1 and should not be consolidated with the Consolidated Securities Action, Civil Action No. 05-2367, for all purposes; and it further

**APPEARING** that the Court can discern no basis upon which to permit the above-captioned actions to proceed without being governed by Pretrial Order No. 1; therefore,

**IT IS** on this 10<sup>th</sup> day of August, 2012,

**ORDERED** that Plaintiffs in the above-captioned actions shall show cause before this Court in writing on or before August 20, 2012, why the actions should not be consolidated for all purposes with the Consolidated Securities Action, Civil Action No. 05-2367.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge